

EXHIBIT C



Anthony Carter <acarter@tostrudlaw.com>

Re: Subpoena Duces Tecum to Affiliated Foods, Inc. in No. 18-CV-1776 in the U.S. District Court for the District of Minnesota, In re Pork Antitrust Litigation

Anthony Carter <acarter@tostrudlaw.com>

Thu, May 20, 2021 at 5:11 PM

To: David Mullin <dmullin@mhba.com>

Cc: Blaine Finley <bfinley@cuneolaw.com>, Evelyn Li <evelyn@cuneolaw.com>, Jon Tostrud <jtostrud@tostrudlaw.com>

David,

Thank you for taking time to speak with us today. As per our discussion, we agreed upon the following as the relevant place of production for the purpose of the subpoena:

In Amarillo, Texas via electronic means (Email or File Sharing site such as Dropbox)
to acarter@tostrudlaw.com; evelyn@cuneolaw.com & bfinley@cuneolaw.com

In addition, it was agreed that the response deadline is extended by 30 days to July 7, 2021. It is our understanding that, as a result of this clarification, you no longer intend to move for sanctions.

You indicated that you would check with your client about the possibility of producing pork product purchase and sale transactional data in satisfaction of the subpoena. In particular, our group is seeking the following information about a potential transactional data production:

- The timespan that would be covered by the purchase and sale transactional data;
- The granularity at which the transactional data can be produced (e.g., whether the data is maintained on a transaction-by-transaction level); and
- Which of the data fields requested in the subpoena would be included.

Our group indicated that providing sample transactional data could make sense as a path forward. If an agreement on a transactional data production can be reached, our group would also like to have the opportunity to pose a reasonable number of follow-up questions, such as how to interpret data field names, regarding the transactional data produced.

Would it be possible to have a follow-up call in approximately two weeks, after you have had time to discuss with your client?

Best regards,

Anthony M. Carter
(VA Bar No. 39736)
TOSTRUD LAW GROUP, P.C.
1925 Century Park East
Suite 2100
Los Angeles, CA. 90067
ph: 310-278-2600
fax: 310-278-2640

acarter@tostrudlaw.com
www.tostrudlaw.com

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On Wed, May 19, 2021 at 2:39 PM David Mullin <dmullin@mhba.com> wrote:

3:30 central tomorrow works.

David Mullin
Mullin Hoard & Brown, LLP

From: Anthony Carter [mailto:acarter@tostrudlaw.com]
Sent: Wednesday, May 19, 2021 4:31 PM
To: David Mullin
Cc: Johnny Merritt; Blaine Finley; Evelyn Li; Jon Tostrud
Subject: Re: Subpoena Duces Tecum to Affiliated Foods, Inc. in No. 18-CV-1776 in the U.S. District Court for the District of Minnesota, In re Pork Antitrust Litigation

David,

We are in receipt of your email regarding our subpoena duces tecum to Affiliated Foods. Would you be available to speak after 3 pm CT tomorrow? Or anytime after 1 pm CT on Friday? Please let me know if any of these time windows work, or if a different time works better for you.

Regards,

Anthony M. Carter
(VA Bar No. 39736)

TOSTRUD LAW GROUP, P.C.
1925 Century Park East
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Los Angeles, CA. 90067
ph: 310-278-2600
fax: 310-278-2640
acarter@tostrudlaw.com
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On Mon, May 17, 2021 at 6:50 AM David Mullin <dmullin@mhba.com> wrote:

Anthony,

I am counsel to Affiliated Foods, Inc. in connection with the subpoena duces tecum issued by your firm to Affiliated Foods. The subpoena duces tecum is defective under Federal Rule of Civil Procedure 45 in that it commands Affiliated Foods to produce documents in Washington, D.C., which is more than 100 miles from Amarillo.

Please let me know by close of business on Wednesday, May 19, if you will withdraw the subpoena duces tecum or we will have no choice but to file a motion to quash and for sanctions in the appropriate forum. I have attached the pertinent portions of Rule 45 for your consideration:

2) *For Other Discovery.* A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

Respectfully,

David Mullin
Mullin Hoard & Brown, LLP
500 S. Taylor, Suite 800
Amarillo National Bank Plaza II
Amarillo, Texas 79101

806.372.5050
806.372.5086 – fax

Mailing Address:
P. O. Box 31656
Amarillo, TX 79120-1656

www.mullinheard.com
dmullin@mhba.com

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